

EXHIBIT D

RE: Case No. 23-34815; Galleria Owner, LLC

From: Mark Smith <msmith@bn-lawyers.com>

Wed, Jun 5, 2024 at 8:39 PM CDT (GMT-05:00)

To: R. J. Shannon <rshannon@shannonleellp.com>

Cc: Jeff Steidley <jeff@texlaw.us>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; <ali@jetallcapital.com>; Reese Baker <reese.baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; <courtdocs@bakerassociates.net>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

R.J.,

Thanks for the call earlier this evening. Per my prior email and our conversation, the deposition of the trustee will not be going forward tomorrow and will be rescheduled.

Regards,

Mark

From: R. J. Shannon <rshannon@shannonleellp.com>

Sent: Wednesday, June 5, 2024 7:03 PM

To: Mark Smith <msmith@bn-lawyers.com>

Cc: Jeff Steidley <jeff@texlaw.us>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; <ali@jetallcapital.com>; Reese Baker <reese.baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; <courtdocs@bakerassociates.net>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Mark,

Two things:

1. The Trustee's name is "Christopher Murray." It might be worthwhile updating that before the deposition.
2. As discussed with Steve, we need to start at 9:30. See attached discussion about this.

Thanks,

R. J.

--

R. J. Shannon

Partner

Shannon & Lee LLP

Cell: (512) 693-9294

rshannon@shannonleellp.com

From: Mark Smith <msmith@bn-lawyers.com>

Sent: Wednesday, June 5, 2024 4:54 PM

To: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>

Cc: Jeff Steidley <jst@texlaw.us>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <reese.baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

Subject: RE: Case No. 23-34815; Galleria Owner, LLC

See below for tomorrow's deposition:

Your scheduling change request has been processed. Please review the following change(s): ****ADDED**
REALTIME**

Proceeding Details:

- **Esquire Job Number:** J11343025
- **Proceeding Type:** Deposition
- **Case Name:** IN RE: GALLERIA 2425 OWNER, LLC
- **Witness Name:** Charles Murray
- **Court Folder Number:** 23-34815
- **Firm File/Matter #:**
- **Claim No.**
- **Date:** 6/6/2024
- **Time and Time Zone:** 09:00 AM Central.
- **Location:**
2425 West Loop South
Houston, Texas 77027

Save to Calendar:

- If the setting was saved to your calendar, please save it again in order to synchronize it with the changes.

Proceeding Changes:

- Visit EsquireConnect to make changes. www.esquireconnect.com.
- If you need a password, send a message to clientcare@esquiresolutions.com.
- Or, contact us directly via email or phone (800) 211-3376 to make changes less than one business day before the proceeding

CANCELLATIONS: Please be advised that fees will apply if canceled after 5:00 PM the business day prior to your proceeding date. Additional notice may be required for external conference rooms booked by Esquire.

- **PROCEEDINGS IN AN ESQUIRE OFFICE** canceled after 5:00 p.m. the prior business day will incur a conference room-specific late-cancellation fee.
- **INTERPRETER** cancellations require a minimum of 24-hour business day notice prior to the start time to avoid a cancellation fee.

If your cancellation requires immediate attention or is a proceeding taking place within 48 business hours, please call us at (800) 211-3376 to make sure your cancellation request reaches us in time.

Services Requested By:	
Setting Attorney:	Sather, Stephen W Barron & Newburger (P) : Barron & Newburger - Austin
Scheduling Contact:	Calderon, Monica
Additional Notes:	Court Reporter to appear in person, Zoom added for remote attendees.
Services Billed To:	<i>Please reply to this email with any questions or concerns you may have relating to the</i>

billing information below

Sending Invoice To:	Barron & Newburger (P) : Barron & Newburger - Austin
On Behalf Of:	Barron & Newburger (P) : Barron & Newburger - Austin
Services Requested:	
Court Reporter:	Yes Attending in Person with the Witness
Rough Draft ASCII:	No
Realtime:	Yes
Interpreter: Language: Dialect:	No
Interpreter Prep Time:	
Interpreter Attendance:	
Electronic Exhibits Mgmt Provider:	Box.com (Standard)
Realtime with Remote Stream:	No
Videographer:	No
Videographer Attendance:	
Remote Technician	No
Expedited Delivery:	
Conferencing Type:	Videoconference & Audio-Only Attendees
Conferencing Provider:	Zoom
Videoconference URL:	https://esquiresolutions.zoom.us/j/92129019114?pwd=7R63hDunfeB5tlkcnaFy6EeuKGA1mX.1
Meeting ID: Password:	92129019114 11343025
Teleconference Info:	+1 312 626 6799 or +1 646 558 8656 US Toll
Equipment Rental:	

800.211.DEPO (3376)
Esquire Deposition Solutions

From: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>

Sent: Wednesday, June 5, 2024 6:57 AM

To: Mark Smith <msmith@bn-lawyers.com>

Cc: Jeff Steidley <jeff@texlaw.us>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew

M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; R. J. Shannon <rshannon@shannonleellp.com>; Reese

Baker <reese.baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S.

Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net; Conrad, Charles

C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame

O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

Subject: Re: Case No. 23-34815; Galleria Owner, LLC

Mark,

Michael Carter will be testifying for the bank this morning.

Patrick E. Fitzmaurice | Partner

Pillsbury Winthrop Shaw Pittman LLP

31 West 52nd Street | New York, NY 10019-6131

t +1.212.858.1171 | m +1.917.608.8497

patrick.fitzmaurice@pillsburylaw.com | [website](#) [bio](#)

AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES
MIAMI NASHVILLE **NEW YORK** NORTHERN VIRGINIA PALM BEACH
SACRAMENTO SAN DIEGO SAN FRANCISCO SHANGHAI
SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC



On Jun 4, 2024, at 13:00, Mark Smith <msmith@bn-lawyers.com> wrote:

Patrick,

Who is the witness for tomorrow's deposition?

Mark

From: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>

Sent: Tuesday, June 4, 2024 11:41 AM

To: Mark Smith <msmith@bn-lawyers.com>; Jeff Steidley <jeff@texlaw.us>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; R. J.

Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net

Cc: Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Thank you. And hope you feel better Jeff.

From: Mark Smith <msmith@bn-lawyers.com>

Sent: Tuesday, June 4, 2024 12:40 PM

To: Jeff Steidley <jeff@texlaw.us>; Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Steve

Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net
Cc: Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>
Subject: RE: Case No. 23-34815; Galleria Owner, LLC

I will be attending remotely as well. I should have the name of the court reporter for NY shortly and will send it out along with the Zoom link.

Mark

From: Jeff Steidley <jeff@texlaw.us>
Sent: Tuesday, June 4, 2024 11:30 AM
To: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; Mark Smith <msmith@bn-lawyers.com>; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net
Cc: Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>
Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Patrick – Steve's office is handling the technical details and court reporter. I have been under the weather the last couple weeks, so I will also be attending remotely unless something else changes, in which case I will let you know.

Thanks, Jeff

From: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>
Sent: Tuesday, June 4, 2024 8:39 AM
To: Steve Sather <ssather@bn-lawyers.com>; Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net
Cc: Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>
Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Jeff,

We are prepared to start at 9 am in NY tomorrow, please give us the name of the court reporter for building security. I will also need the zoom info for those attending remotely.

Thanks.

From: Steve Sather <ssather@bn-lawyers.com>
Sent: Monday, June 3, 2024 5:43 PM
To: Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; Jeff Steidley <jeff@texlaw.us>; Mark

Smith <msmith@bn-lawyers.com>; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net
Cc: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>
Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Plan is for Jeff Steidley and Court Reporter to be physically present at your office in NY and for others to participate by Zoom. We understand that your rep's depo will be limited to seven hours for all persons on the Choudhri side.

From: Troop, Andrew M. <andrew.troop@pillsburylaw.com>

Sent: Friday, May 31, 2024 11:04 AM

To: Steve Sather <ssather@bn-lawyers.com>; ali@jetallcapital.com; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>; R. J. Shannon <rshannon@shannonleellp.com>; Reese Baker <Reese.Baker@bakerassociates.net>; Whitworth, Jana (USTP) <Jana.Whitworth@usdoj.gov>; Kyung S. Lee <klee@shannonleellp.com>; courtdocs@bakerassociates.net

Cc: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Steinbrunner, Ryan <ryan.steinbrunner@pillsburylaw.com>; Akuffo, Kwame O. <kwame.akuffo@pillsburylaw.com>; Caswell, Andrea B. <andrea.caswell@pillsburylaw.com>

Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Steve, Mr. Choudhri and others,

Objections/responses were included together with the NBK production made on Wednesday, and we discussed our objection to the deposition location with you, Steve, told you we would make NBK's representative available today remotely, and understand that you had agreed the deposition would be conducted (remotely) from New York next week. Although the document production objections/responses are not required to be filed with the court, we will do so today just to end unnecessarily distracting statements in future correspondence or pleadings.

To be clear, the only identified deficiency with Wednesday's document production was that a few attachments appeared to be missing. We understand that most, if not all, of those attachments were in the production, if not appended directly to a corresponding email. Wednesday's production was effectively complete subject to documents (if any) withheld as set forth in NBK's objections/responses.

Rather than take the time to point out where attachments might be found in Wednesday's production, we have reloaded the entire production to a secure file transfer trying to ensure that attachments appear sequentially with corresponding emails. New links to the secure file transfer were sent to each of you around 8:55 am (CT). Mr. Choudhri, in response to other emails from you, all the documents are in .pdf format. If you are having trouble accessing the secure file, that would appear to be an issue on your end.

Nonetheless, to alleviate any technical issues you are having with the secure file transfer, Mr. Choudhri, if you provide us with your address before 2 pm (CT), we will have a thumb-drive with the documents delivered to you – by hand if the address is in Houston or by overnight delivery if not. In either case, a signature will be required for the package.

Finally, I reiterate that NBK's representative will be at our offices on Wednesday, June 5, starting at 9 am (ET) for the deposition. He will sit for up to 7 hours that day consistent with the Federal Rules of Bankruptcy Procedure for questions from all parties.

Steve, please send information about the videographer/stenographer and/or remote deposition platform ASAP so appropriate logistical arrangements can be made by all.

If anyone plans to attend Wednesday's deposition in person, let us know so we can alert building security.

Regards,

Andrew

Andrew M. Troop | Partner

Pillsbury Winthrop Shaw Pittman LLP

31 West 52nd Street | New York, NY 10019-6131

t +1.212.858.1660 | f +1.212.973.7435 | m +1.617.710.0902

andrew.troop@pillsburylaw.com | website bio

From: Steve Sather <ssather@bn-lawyers.com>

Sent: Friday, May 31, 2024 7:42 AM

To: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>; R. J. Shannon <rshannon@shannonleellp.com>

Cc: Troop, Andrew M. <andrew.troop@pillsburylaw.com>; ali@jetallcapital.com; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>

Subject: Re: Case No. 23-34815; Galleria Owner, LLC

We are working on an agreement to reschedule the deposition to accomodate NBK. We don't agree that they can't be required to appear in Houston. However, there was never an objection filed and we have not received full production of documents. We reserve all of our rights.

From: Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>

Sent: Thursday, May 30, 2024 8:51 PM

To: R. J. Shannon <rshannon@shannonleellp.com>

Cc: Troop, Andrew M. <andrew.troop@pillsburylaw.com>; Steve Sather <ssather@bn-lawyers.com>; ali@jetallcapital.com <ali@jetallcapital.com>; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>

Subject: Re: Case No. 23-34815; Galleria Owner, LLC

R.J.,

That's correct.

Best,

Patrick E. Fitzmaurice | Partner

Pillsbury Winthrop Shaw Pittman LLP

31 West 52nd Street | New York, NY 10019-6131

t +1.212.858.1171 | m +1.917.608.8497

patrick.fitzmaurice@pillsburylaw.com | website bio

On May 30, 2024, at 20:46, R. J. Shannon <rshannon@shannonleellp.com> wrote:

Steve & Andrew—I take it that the deposition is not going forward tomorrow morning?

--

R. J. Shannon

Partner

Shannon & Lee LLP

Cell: (512) 693-9294

rshannon@shannonleellp.com

From: Troop, Andrew M. <andrew.troop@pillsburylaw.com>

Sent: Thursday, May 30, 2024 3:28 PM

To: Steve Sather <ssather@bn-lawyers.com>

Cc: Ali @ Jetall <ali@jetallcapital.com>; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>; R. J. Shannon <rshannon@shannonleellp.com>; Conrad, Charles C. <charles.conrad@pillsburylaw.com>; Fitzmaurice, Patrick E. <patrick.fitzmaurice@pillsburylaw.com>

Subject: RE: Case No. 23-34815; Galleria Owner, LLC

Steve,

I think you have it backwards. NBK is not required to appear in Houston for a deposition based on a notice. Furthermore, you cannot compel attendance in Houston as NBK is beyond the Houston court's subpoena power. Accordingly, the accommodation runs in the opposite direction. NBK is accommodating you by agreeing to sit for a deposition here in NY, which you may conduct remotely or in person in our offices.

Second, we apologize that certain attachments did not upload for the production. We are working on that and will work diligently to complete the process by 9 am (CT) tomorrow, Friday. The updated production remains subject to the objections and limitations set forth in our written response/objection served last night. To be clear, otherwise responsive documents may be withheld as a result.

The bank will produce a witness for deposition in our offices starting at 9 am on Wednesday, June 5, 2024, for 7 hours of deposition that day by all parties.

Regards,

Andrew

Andrew M. Troop | Partner

Pillsbury Winthrop Shaw Pittman LLP

31 West 52nd Street | New York, NY 10019-6131

t +1.212.858.1660 | f +1.212.973.7435 | m +1.617.710.0902

andrew.troop@pillsburylaw.com | [website bio](#)

From: Steve Sather <ssather@bn-lawyers.com>

Sent: Thursday, May 30, 2024 2:54 PM

To: Troop, Andrew M. <andrew.troop@pillsburylaw.com>

Cc: Ali @ Jetall <ali@jetallcapital.com>; Jeff Steidley <jeff@texlaw.us>; Mark Smith <msmith@bn-lawyers.com>

Subject: Case No. 23-34815; Galleria Owner, LLC

Dear Mr. Troop,

We have noticed the Bank for an in person deposition in Houston on Friday May 31. As an accommodation you have requested that we move the location of the deposition to New York or take the deposition by remote means. We are willing to make that accommodation, but if we are not taking the deposition in Houston as noticed we will need to move it to next week at a time agreeable and convenient for us and you will agree to any day next week at our choice. We will also need you to produce ALL documents requested including all attachments by Friday 9 am CST as originally noticed.

We reserve the right to file supplemental objections to the Bank's plan after the deposition. Please confirm that this is acceptable. Otherwise we will expect to see you in Houston on Friday 9 am May 31, 2024 as Noticed. We are trying to accomodate you.

Stephen W. Sather
Barron & Newburger, PC
7320 N. MoPac Expy., Suite 400
Austin, TX 78731
512.649.3243 | Direct
512.476.9103, x-220 | Office
512.653.1009 | Cell
ssather@bn-lawyers.com

<image001.png>

<image002.png>

<image003.jpg>

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